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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Salerno et al.
Serial No.: TBD Art Unit: 3761
Filed : December 14, 2000 Examiner: K. Reichle
For : ABSORBENT ARTICLE HAVING COMPLIANT CUFFS

JC882 U.S. PTO
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December 14, 2000

(Date of Deposit)

James P. Barr

Name of applicant, assignee, or Registered Representative

(Signature)

December 14, 2000

(Date of Signature)

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE

Dear Sir:

This is in response to the Communication dated August 14, 2000 which issued in connection with the above referenced Patent Application.

REMARKS

Applicant has carefully reviewed the above identified application in light of the Office Action dated August 14, 2000. Claims 1-3, 6, 12-13, 20-21 and newly added dependent claims 32-41 are now presented for examination. Claim 1 has been amended to define still more clearly what Applicant regards as his invention, in terms which distinguish over the art of record, and in particular to overcome the formal rejection.

In particular, Applicant has amended Claim 1 to more clearly state that the formed cuff comprises a high loft component which forms an inner layer and that this high loft material is substantially covered by an outer layer comprising a fluid repellent porous material. Support for this feature is found, inter alia, at page 15 of the specification.

The specification and drawings have been carefully reviewed and amended as to matters of form, including those kindly pointed out in the Office Action. With regard to the Examiner's question concerning the differences between element 6 in Figure 5 and element 6 in Figures 6a-7b, it should be noted that Figure 5 shows an optional layer 37 and that Figures 6a-7b are directed to other optional embodiments, as noted in the current "Brief Description of the Drawings." Should the Examiner have additional questions relating to these Figures, it is respectfully requested that these questions be presented with greater specificity and clarity so that they can be better understood by Applicant.

Claims 1-3, 6, 20 and 21 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,234,422 (Sneller). Applicant respectfully traverses.

The present invention, as defined by independent claim 1 is directed to a novel absorbent product having compliant side cuffs that extend along the lateral edges of the product. It is an important consideration in the present invention that the side cuffs comprise an inner layer which comprises a strip of high loft material and a outer layer which comprises a flexible, fluid repellent porous material and wherein said high loft material is covered along a substantial portion thereof by said outer layer.

The side cuffs formed in accordance with the present invention have been found to provide enhanced lateral support to the absorbent article and when worn by a user in the perineal area of the user's body bears against the user's body in a comfortable manner. This construction has also been found to advantageously prevent or inhibit lateral leakage of fluid from the cover of the absorbent article past the lateral side edges. It is respectfully submitted that the cited reference does not disclose or fairly suggest a sanitary absorbent article having side cuffs which comprise high loft material covered by a flexible, fluid repellant, porous material.

As understood by Applicant, Sneller relates to forming a cuff by the use of an elastomeric inner layer with a coverstock material (which may be a high loft material) on the outside. Sneller fails to teach or suggest the feature of the present invention wherein the cuff comprises an inner layer of high loft material.

Applicant has carefully reviewed all of the passages within the Sneller patent that were cited by the Patent Office and has not found any teaching or suggestion for the use of a high loft nonwoven material as an inner layer of cuff. Accordingly, applicants submit that the present invention, as defined by independent claim 1 is considered to be patentable over Sneller et al.

Claims 1-3, 6, 20 and 21 were also rejected under 35 U.S.C. § 102(b) as anticipated by European Patent Appln. No. 0 534 488 (Menard). Applicant respectfully traverses.

As understood by Applicant, Menard discloses a sanitary napkin having compliant cuffs that form gaskets in use between the napkin

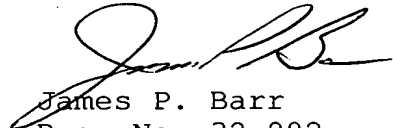
and a user's body. The only embodiment that utilizes a high loft nonwoven material is shown in Figures 5 and 6(a) and is more fully discussed at column 8, lines 15 to 39. As disclosed therein, the compliant cuff may be formed from a strip of material 48 which includes a high loft polyester. However, referring to Figure 6(a) it is apparent that the high loft layer 48 is an outer layer, nor is it substantially covered by a flexible, fluid repellant, porous material as required by the present pending claimed invention. There are no other embodiments within this reference that disclose the use of a nonwoven material to form the compliant side cuffs. Accordingly, the present invention is considered to be patentable over Menard et al.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against claim 1 herein. This claim is therefore believed patentable over the art of record.

The other claims in this application are each dependent from independent claim 1 discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Reconsideration and allowance of the pending claims is accordingly respectfully requested.

Respectfully submitted,



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